IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 259/1999

SMT. REKHA @ SUREKHA Vs. SHRI BANWARI LAL & ORS.

DATE: 11.04.2007.

HON'BLE MR. K.S. RATHORE, J.

None present for the petitioner.
Mr. B.S. Chhaba, Public Prosecutor for the State.
Mr. Anand Sharma for the accused-respondents.

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The petitioner Smt. Rekha has filed this another revision petition under Section 397 Cr.P.C. against the judgment dated 25.08.98 passed by the Special Judge (Sati Niwaran) Rajasthan & Additional Sessions Judge, Jaipur City, Jaipur in Criminal Revision Petition No. 52/98, by which the Revisional Court has quashed and set-aside the order dated 23.02.98 passed by the Additional Chief Judicial Magistrate No.1, Jaipur City, Jaipur whereby the trial Court has framed charge against the accused-respondents for the offence under Section 406 IPC.

I have gone through the averments made in the revision petition, heard learned counsel for the accused-respondents as well as learned Public Prosecutor for the State and have also gone through the orders dated 23.02.98 and 25.08.98 passed by the trial

Court and the Revisional Court respectively.

The Revisional Court has considered the aspect that since the offence under Section 498-A IPC is not made out against the accused-respondents and the articles which were received by the respondents in marriage as gift have been returned and duly received by the petitioner, in such circumstances, no case for the offence under Section 406 IPC is made out against the accused-respondents and, therefore, acquitted them from the aforesaid offence.

In view of these facts, I find no illegality or error in the impugned judgment dated 25.08.98 passed by the Revisional Court, which requires no interference whatsoever by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

Record be sent back forthwith.

(K.S. RATHORE),J.

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